



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Mos

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/133,888

08/13/98

JOHNSON

J

10172-9013

IM62/0816
KANE, DALSIMER, SULLIVAN, KURUEZ,
LWVY, EISELE AND RICHARD, LLP
711 THIRD AVE
NEW YORK NY 10017

EXAMINER

GRAY, L

ART UNIT

PAPER NUMBER

1734

DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/133,888

Applicant(s)
Johnson

Examiner
Linda L. Gray

Group Art Unit
1734

☒ Responsive to communication(s) filed on 6-19-00

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 47-51 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 47, 48, and 51 is/are rejected.

☒ Claim(s) 49 and 50 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 6-19-00 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Substitute Specification

1. The substitute specification filed has not been entered because it does not conform to 37 CFR 1.125(b) because: Applicant does not state that such does not contain new matter

Claim Objections

2. **Claim 49 is objected to because of the following informalities:** (a) "or flange" (L 6) should be "having a lip", (b) "and on" (L 7) should be deleted, (c) "a" (L 7) should be "said", (d) "or flange" (L 8) should be deleted at both locations, (e) "," (L 12) should be changed to "; and," (f) "or flange" (L 12) should be deleted, and (g) "a" (L 13) should be changed to "an additional".

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 47-48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodolay et al. (5,776,045) in view of Kanemitsu et al. (US 5,400,568) and Johnson (US 5,664,303).**

Claims 47-48, Bodolay et al. teach securing fastener assembly 57 to web 14 where assembly 57 includes a fastener element and a mating fastener element (c 2, L 14-17; c 6, L 7-10), forming walls of a bag from web 14 where one side of assembly 57 is sealed to one wall of the bag, and sealing the other side of assembly 57 to the other wall of the bag where a top seal between the front and back walls is made by sealing such together (c 6, L 51-57). The bag has top and bottom ends, two opposing walls, and a top seal. The fastener and mating fastener elements make up male and female portions where the female portion receives the male portion.

Bodolay et al. do not teach that assembly 57 includes a lip on the elements such that one of the lips is connected to web 14 and where the lips are then sealed between the front and back walls at the top seal.

Kanemitsu et al. teach that the use of lips 2C and 3C facilitates a proper adjustment of the

intermeshing strength of items 2B and 2C as well as other important properties of the assembly (c 1, L 9-17; c 6, L 10-64; c 9, L 23, to c 13, L 38). Also, Johnson teaches sealing lip 26 of a fastener assembly between front wall 42 and rear wall 42 of a reclosable bag to provide a means for hanging the bag (c 1, L 60, to c 3, L 15).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Bodolay et al. that assembly 57 includes lips on the elements such that one of the lip connected to web 14 and where the lips are then sealed between the front and back walls at the top seal because Kanemitsu et al. teach that the use of lips under a fastener assembly facilitates a proper adjustment of the intermeshing strength of items of the assembly that interlock as well as other important properties of the assembly and Johnson teaches sealing a lip of a fastener assembly between front and rear walls of a reclosable bag to provide a means for hanging the bag. Since the top seal is made by sealing the front and back walls together, the lip therebetween is seals to both of the walls simultaneously.

Claim 51, in Bodolay et al. there is provided a step of providing web 34, in a roll, of assembly 57 material, cutting web 34 to form assemblies 57 (c 4, L 32-63).

Bodolay et al. do not teach sealing the cut ends of assemblies 57.

It is conventional to seal the cut ends of a cut item to prevent tearing and fraying at the ends, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Bodolay et al. sealing of the cut ends of assemblies 57 to prevent tearing and fraying at the ends.

Allowable Subject Matter

5. Claim 49 would be allowable if rewritten or amended to overcome the objections forth in this Office action.

Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response

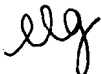
6. Applicant's arguments filed 6-17-00 have been fully considered. Applicant argues that Bodolay et al. In view of Kanemitsu et al. and Johnson does not teach forming a reclosable bag in which the leading lip of the fastener is sealed to the web and the lagging flanges of both fasteners are respectively sealed to the front and rear walls spaced from the interlocking element. In response, this limitation is considered met as demonstrated in the prior art rejection above.

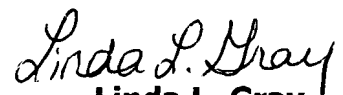
Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications should be directed to Examiner Linda L. Gray at 703-308-1093, Mon.-Fri. from 6:30 am to 3:30 pm. The necessary fax numbers are 703-305-7718 (official), 703-305-7115 (unofficial), and 703-305-3599 (faxes after final Office action).

llg 
August 14, 2000


Linda L. Gray
Patent Examiner